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Countess, J. Puente, M. Sayre, M.D., S. Risenhoover,
10 and J. Flowers^{1/}

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 **ALFRED A. SANDOVAL,**

15 Plaintiff,

16 v.

17 **D. BARNEBURG, et al.,**

18 Defendants.
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C 08-0865 JSW (PR)

**DEFENDANTS' *EX PARTE*
REQUEST FOR EXTENSION
OF TIME TO FILE A
DISPOSITIVE MOTION;
DECLARATION OF KYLE A.
LEWIS IN SUPPORT
THEREOF**

21 Defendants D. Barneburg, J. Beeson, C. Countess, J. Puente, M. Sayre, M.D., S.
22 Risenhoover, and J. Flowers (Defendants), for reasons more fully set forth in the accompanying

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1. Defendants T. Buchanan, J. Reyes, Tomayo, Perez, and Bishop have not been served and the Office of the Attorney General is not appearing on their behalf.

1 Declaration of Kyle A. Lewis, respectfully request a 90-day extension of time up to and including
2 October 6, 2008, to file a dispositive motion.

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4 Dated: July 1, 2008

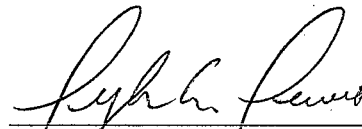
5 Respectfully submitted,

6 EDMUND G. BROWN JR.
Attorney General of the State of California

7 DAVID S. CHANEY
Chief Assistant Attorney General

8 ROCHELLE C. EAST
Acting Senior Assistant Attorney General

9 JONATHAN L. WOLFF
10 Supervising Deputy Attorney General

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12 

13 KYLE A. LEWIS
14 Deputy Attorney General

15 Attorneys for Defendants D. Barneburg, J. Beeson, C. Countess,
16 J. Puente, M. Sayre, M.D., S. Risenhoover, and J. Flowers

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28 Defs.' *Ex Parte* Req. for Extension of Time;
Decl. of Kyle A. Lewis

A. A. Sandoval v. D. Barneburg, et al.
Case No. C 08-0865 JSW (PR)

DECLARATION OF KYLE A. LEWIS

I, KYLE A. LEWIS, declare:

1. I am an attorney admitted to practice law before all courts in the State of California and the United States District Court for the Northern District of California. I am a Deputy Attorney General in the Office of the Attorney General for the State of California, counsel of record for Defendants D. Barneburg, J. Beeson, C. Countess, J. Puente, M. Sayre, M.D., S. Risenhoover, and J. Flowers (Defendants) in this matter. I am competent to testify to the matters set forth in this declaration, and if called upon to do so, I would and could so testify. I submit this declaration in support of Defendants' *Ex Parte* Request for an Extension of Time to File a Dispositive Motion.

2. According to the Court's Order of Service, the last day for Defendants to file a dispositive motion is July 7, 2008.

3. Based on the following, Defendants respectfully request a 90-day extension of time, up to and including Monday, October 6, 2008, to file a dispositive motion.

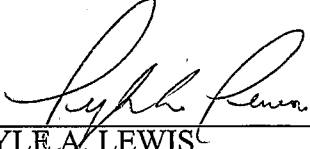
a. Pursuant to the Court's Partial Dismissal Order and Order of Service, there are twelve Defendants named in this suit. The United States Marshals Service has only recently effectuated service on Defendants D. Barneburg, J. Beeson, C. Countess, J. Puente, M. Sayre, M.D., S. Risenhoover, and J. Flowers. As such, documents relevant to this matter are still being identified, located, and collected. Counsel requires sufficient time to receive the necessary records and research the claims Plaintiff asserts against these Defendants. Counsel also requires additional time to communicate with his clients regarding Plaintiff's allegations.

b. Counsel for Defendants also assists as co-counsel in the class action of *Plata v. Schwarzenegger*, No. C-01-1351 TEH (N.D. Cal.). Recently, the pilot phase of the Court-ordered inspection program regarding medical care provided in the California prison system concluded. I have been actively involved in this inspection program and anticipate that there will be further substantial analysis needed regarding the scope and effectiveness of the inspection program as it develops statewide. In light of these commitments it will be difficult for me to comply with the briefing schedule currently set by the Court.

1 4. Plaintiff is currently incarcerated and cannot be easily contacted for an extension of
2 time.

3 5. No previous extension of time has been sought regarding the filing of Defendants'
4 dispositive motion. This request is not made for the purpose of harassment or undue delay or for
5 any improper reason.

6 I declare under penalty of perjury under the laws of the United States that the foregoing is
7 true and correct. Executed in San Francisco, California, on July 1, 2008.

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10 KYLE A. LEWIS
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Defs.' *Ex Parte* Req. for Extension of Time;
Decl. of Kyle A. Lewis

A. A. Sandoval v. D. Barneburg, et al.
Case No. C 08-0865 JSW (PR)

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Alfred A. Sandoval v. D. Barneburg, et al.**

Case No.: **C 08-0865 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **July 2, 2008**, I served the attached

1) DEFENDANTS' *EX PARTE* REQUEST FOR EXTENSION OF TIME TO FILE A DISPOSITIVE MOTION; DECLARATION OF KYLE A. LEWIS IN SUPPORT THEREOF

2) [PROPOSED] ORDER

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Alfred Sandoval (D-61000)
Pelican Bay State Prison
D2-105 P.O. Box 7500
Crescent City, CA 95532
Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **July 2, 2008**, at San Francisco, California.

R. Panganiban
Declarant

/S/R. Panganiban
Signature